



February 20, 2004

ENGROSSED SENATE BILL No. 179

DIGEST OF SB 179 (Updated February 17, 2004 2:14 pm - DI 107)

Citations Affected: IC 9-30.

Synopsis: Community restitution or service for OWI offenses. Changes the designation of time of community restitution or service for a person convicted of operating a vehicle while intoxicated (OWI) from days to hours.

Effective: July 1, 2004.

Long, Broden

(HOUSE SPONSORS — KUZMAN, FOLEY)

January 6, 2004, read first time and referred to Committee on Criminal, Civil and Public Policy.

January 22, 2004, reported favorably — Do Pass.

January 26, 2004, read second time, ordered engrossed. Engrossed.

January 29, 2004, read third time, passed. Yeas 47, nays 0.

HOUSE ACTION

February 4, 2004, read first time and referred to Committee on Judiciary.

February 19, 2004, reported — Do Pass.

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ES 179—LS 6595/DI 107+



February 20, 2004

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 179

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 9-30-5-15, AS AMENDED BY P.L.32-2000, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 15. (a) In addition to any criminal penalty imposed for an offense under this chapter, the court shall:

(1) order:

(A) that the person be imprisoned for at least five (5) days; or

(B) the person to perform at least ~~thirty (30) days~~ **one hundred eighty (180) hours** of community restitution or service; and

(2) order the person to receive an assessment of the person's degree of alcohol and drug abuse and, if appropriate, to successfully complete an alcohol or drug abuse treatment program, including an alcohol deterrent program if the person suffers from alcohol abuse;
if the person has one (1) previous conviction of operating while intoxicated.

(b) In addition to any criminal penalty imposed for an offense under

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1 this chapter, the court shall:

2 (1) order:

3 (A) that the person be imprisoned for at least ten (10) days; or

4 (B) the person to perform at least ~~sixty (60) days~~ **three**
 5 **hundred sixty (360) hours** of community restitution or
 6 service; and

7 (2) order the person to receive an assessment of the person's
 8 degree of alcohol and drug abuse and, if appropriate, to
 9 successfully complete an alcohol or drug abuse treatment
 10 program, including an alcohol deterrent program if the person
 11 suffers from alcohol abuse;

12 if the person has at least two (2) previous convictions of operating
 13 while intoxicated.

14 (c) Notwithstanding IC 35-50-2-2 and IC 35-50-3-1, a sentence
 15 imposed under this section may not be suspended. The court may
 16 require that the person serve the term of imprisonment in an
 17 appropriate facility at whatever time or intervals (consecutive or
 18 intermittent) determined appropriate by the court. However:

19 (1) at least forty-eight (48) hours of the sentence must be served
 20 consecutively; and

21 (2) the entire sentence must be served within six (6) months after
 22 the date of sentencing.

23 (d) Notwithstanding IC 35-50-6, a person does not earn credit time
 24 while serving a sentence imposed under this section.

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COMMITTEE REPORT

Madam President: The Senate Committee on Criminal, Civil and Public Policy, to which was referred Senate Bill No. 179, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 179 as introduced.)

LONG, Chairperson

Committee Vote: Yeas 7, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 179, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

LAWSON L, Chair

Committee Vote: yeas 9, nays 0.

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